

# BUTLER | SNOW

March 2, 2020

**By ECF**

Hon. Peggy Kuo  
United States District Court  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Paul Dawson v. Merck & Co., Inc. and Merck Sharp & Dohme Corporation*  
No.: 1:12-cv-01876 (BMC)(PK)

Dear Magistrate Judge Kuo,

On behalf of Defendant, Merck & Co., Inc., and Merck Sharp & Dohme Corporations ("Merck"), we submit this letter in response to the letter motion (DE#127) submitted by Reuters America LLC ("Reuters") requesting "... permission for Mr. Levine to listen to the arguments telephonically through the dial-in procedure the Court has provided for Plaintiff's counsel, Mr. Lazlo." While Reuters' counsel correctly stated Merck's position as to the fact that Merck could not provide its consent to the motion until Merck's counsel had reviewed the motion itself, counsel omitted the second part Merck's response, reminding counsel for Reuters that the Protective Order remained in place.

As far as Mr. Levine's participation by phone, Merck does not oppose him doing so, but without knowing what will be discussed at the hearing or if counsel for Reuters intends to discuss certain documents designated as confidential under the Protective Order, Merck cannot consent, at this time, to Mr. Levine "reporting" on the hearing arguments. Further, the fact that Reuters has made this request and discusses in the letter the possibility of Mr. Levine reporting on the hearing strongly suggests that he intends to write an article about the hearing. Therefore, to the extent documents designated as confidential under the Protective Order are discussed during the hearing, Merck reserves the right to request any portion of the hearing in which confidential documents are discussed be closed and that Mr. Levine be prevented from reporting on the discussions concerning the confidential documents.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a copy of the foregoing has been served upon all registered attorneys electronically using the court's ECF system this 2<sup>nd</sup> day of March, 2020.

/s/ Charles F. Morrow  
Charles F. Morrow